

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

TUESDAY, THE 5TH JUNE 2007 / 15TH JYAISHTA 1929

W.A.No.1134 of 2007

AGAINST THE ORDER IN W.P.(C).NO.8863/2007 DATED 28/03/2007

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APPELLANT: PETITIONER:-

KALATHARACHIRA PADASEKHARAM,
REG.NO.ER-68/85, MUNDAMVELI P.O., KOCHI,
REPRESENTED BY ITS PRESIDENT SHRI.N.M.THOMAS,
NERAKKASSERY HOUSE, MANASSERY, KANNAMALLY P.O., KOCHI - 8.

BY ADV. SRI.GOVIND K.BHARATHAN
SRI.N.RATHEESH
SMT.SUMA RATHEESH

RESPONDENTS: RESPONDENTS:-

1. THE CHELLANAM GRAMA PANCHAYATH (SPECIAL GRADE),
AANDIKKADAVU P.O., KOCHI - 8, REPRESENTED BY ITS SECRETARY.
2. THE EXECUTIVE ENGINEER,
MINOR IRRIGATION, ERNAKULAM CIVIL STATION,
KAKKANAD, ERNAKULAM.

ADDITIONAL 3RD RESPONDENT IMPLEADED:

ADDL.R3. A.M.PETER, AZHEEKAL HOUSE, KANNAMALY P.O.,
KOCHI-8.

(ADDITIONAL 3RD RESPONDENT IS IMPLEADED AS PER ORDER ON
I.A.NO.443 OF 2007 DATED 5.6.2007)

R1 BY ADVOCATE SRI.DINESH R.SHENOY.
R2 BY SENIOR GOVERNMENT PLEADER SRI.M.R.SABU.
R3 BY ADVOCATE SRI.N.RATHEESH.

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 05/06/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.Dattu,C.J. & K.T.Sankaran,J.

W.A.No.1134 of 2007

Dated, this the 5th day of June, 2007

JUDGMENT

H.L.Dattu,C.J.

This appeal is filed against an interim order passed by the learned Single Judge in W.P.(C).No.8863 of 2007 dated 28.03.2007.

2. During the pendency of this Writ Appeal, the Village Panchayat has auctioned right of fishing in the Minor Irrigation area in favour of a third party which, according to the appellant, does not vest with the Village Panchayat.

3. In view of the developments, at this stage we need not have gone into the correctness or otherwise of the order passed by the learned Single Judge. Accordingly, without going into the merits or demerits of the Writ Appeal, the same is disposed of.

Liberty is reserved to the petitioner in the writ petition to make an appropriate request before the learned Single Judge for hearing of the writ petition out of turn. If such a request is made, the learned Single Judge would consider the same. All the contentions raised by the parties are left open.

H.L.Dattu
Chief Justice

K.T.Sankaran
Judge

vku/-